

MONTANA LEGISLATIVE HISTORY

Chapter 87 1993

Bill H _____ S 198

Original bill & history ☒ c

H. Committee on Highways

Hearing Date(s) 2-10 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Highways

Hearing Date(s) 1-26 ☒ c

1-28 ☒ c

2-2 ☒ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE BILL NO. 198

INTRODUCED BY WEEDING, HARP
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

IN THE SENATE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 3, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 4, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 5, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 13, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
FEBRUARY 15, 1993	THIRD READING, CONCURRED IN. AYES, 96; NOES, 1.
FEBRUARY 16, 1993	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~SENATE~~ BILL NO. 198
2 INTRODUCED BY Wesley HARP
3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
6 RELATING TO HIGHWAY SYSTEMS AND THE ALLOCATION OF
7 FEDERAL-AID HIGHWAY FUNDS BY THE HIGHWAY COMMISSION;
8 AMENDING SECTIONS 2-15-2502, 60-2-110, 60-2-111, 60-2-204,
9 60-3-201, 60-3-202, 60-3-205, 60-3-206, 60-3-211, 60-3-217,
10 60-3-218, AND 61-10-148, MCA; AND REPEALING SECTIONS
11 60-2-103, 60-2-104, 60-2-105, 60-3-102, 60-3-103, 60-3-104,
12 60-3-105, 60-3-203, 60-3-204, 60-3-209, 60-3-210, 60-3-213,
13 60-3-214, AND 60-3-215, MCA."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Definitions. As used in Title
17 60, chapter 2, part 1, and Title 60, chapter 3, part 2,
18 unless otherwise provided, the following definitions apply:

19 (1) "National highway system" means the system of
20 public highways designated by the commission and approved by
21 the secretary of transportation as provided in Title 23,
22 U.S.C.

23 (2) "Primary highway system" means the highways that
24 have been functionally classified by the department as
25 either principal or minor arterials and that have been

1 selected by the commission to be placed on the primary
2 highway system.

3 (3) "Secondary highway system" means the highways that
4 have been functionally classified by the department as
5 either minor arterials or major collectors and that have
6 been selected by the commission, in cooperation with the
7 boards of county commissioners, to be placed on the
8 secondary highway system.

9 (4) "State highways" means the highways throughout the
10 state that are not located on a defined highway system but
11 that are on the state maintenance system.

12 (5) "Urban highway system" means the highways and
13 streets that are in and near incorporated cities with
14 populations of over 5,000 and within urban boundaries
15 established by the department, that have been functionally
16 classified as either urban arterials or collectors, and that
17 have been selected by the commission, in cooperation with
18 local government authorities, to be placed on the urban
19 highway system.

20 NEW SECTION. Section 2. Designation of public highways
21 -- allocation of funds. (1) For the purpose of allocating
22 state and federal-aid highway funds, the commission shall
23 designate the public highways and streets to be placed on
24 the following systems:

25 (a) the national highway system;

- (b) the primary highway system;
- (c) the secondary highway system; or
- (d) the urban highway system.

(2) The commission shall consult with the board of county commissioners of the county in which a highway is located prior to designating a public highway to be placed on the secondary highway system.

(3) The commission shall consult with the appropriate local government authorities prior to designating a highway or street to be placed on the urban highway system.

(4) The commission may designate public highways not placed on the systems listed in subsection (1) as state highways.

NEW SECTION. Section 3. Allocation of funds for projects. (1) Each year, out of federal-aid highway funds available for construction purposes, the commission shall allocate a portion of the funds for projects located on:

- (a) the national highway system;
- (b) the primary highway system;
- (c) the secondary highway system;
- (d) the urban highway system; and
- (e) state highways.

(2) In making allocations under subsection (1), the commission shall comply with all applicable provisions relating to the use of federal-aid highway funds contained

in Title 23, U.S.C.

NEW SECTION. Section 4. Maintenance system -- designation of highways. The commission shall designate the public highways that are to be included on the state maintenance system. The system must include all the highways that the department maintained on July 1, 1976.

NEW SECTION. Section 5. Allocation of funds -- apportionment. The federal-aid highway funds allocated to the primary highway system for construction purposes must be apportioned among the five financial districts, corresponding to and congruent with the highway commission districts established in 2-15-2502.

NEW SECTION. Section 6. Allocation of funds. The commission may allocate federal-aid highway funds for projects or programs in which all or a portion of the work is on highways that are not located on the highway systems defined in [section 1]. The allocations must be made without regard to the financial district in which the project or program is located.

Section 7. Section 2-15-2502, MCA, is amended to read:

"2-15-2502. Highway commission. (1) The highway commission consists of five members. One member must be a resident of and appointed from each of these districts, each composed of the counties named:

- (a) District 1. Lincoln, Flathead, Sanders, Lake,

Mineral, Missoula, Ravalli, Granite, Powell;

(b) District 2. Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Broadwater, Jefferson, Park;

(c) District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Lewis and Clark;

(d) District 4. Carter, Powder River, Fallon, Custer, Rosebud, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

(e) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Judith Basin, Fergus, Petroleum, Treasure, Wheatland, Sweet Grass.

(2) Two members may not be residents of the same district at the time of appointment or thereafter during their respective terms of office.

(3) Not more than three members may at the time of appointment or during their respective terms be members of the same political party.

(4) An elective state official or state officer, during the term of office to which he was elected or appointed, or a state employee may not be a member of the commission.

(5) A resolution, motion, or other decision of the commission may not be adopted or passed without the favorable vote of at least three members.

(6) The commission is allocated to the department of transportation for administrative purposes only as

prescribed in 2-15-121.

(7) The commission is designated as a quasi-judicial board for purposes of 2-15-124; however, the provision of 2-15-124(1) that at least one member of a quasi-judicial board be an attorney does not apply to the commission.

(8) The commission may adopt rules necessary to perform its duties.

~~†8~~(9) The administrator of the highway division shall act as liaison between the highway commission and the department of transportation."

Section 8. Section 60-2-110, MCA, is amended to read:

"60-2-110. Setting priorities and selecting projects.

(1) The commission shall establish priorities and select and designate segments for construction and reconstruction on federal-aid--interstate--and--federal-aid--primary-and-state highway-systems the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways.

(2) The commission shall consult with the board of county commissioners of the county in which a highway is located when establishing priorities and when selecting and designating segments on the secondary highway system for construction and reconstruction.

(3) The commission shall consult with the appropriate local government authorities when establishing priorities

1 and selecting and designating segments on the urban highway
 2 system for construction and reconstruction.

3 (4) The commission shall use information gathered or
 4 discovered by and documents prepared by the department, and
 5 department officials and employees shall provide assistance
 6 and advice."

7 **Section 9.** Section 60-2-111, MCA, is amended to read:

8 "60-2-111. Letting of contracts on state and
 9 federal-aid highways. (1) Except as provided in subsection
 10 (2), all contracts for work--on the construction or
 11 reconstruction of state--and--federal-aid--highways the
 12 highways and streets located on highway systems and state
 13 highways as defined in [section 1], including portions in
 14 cities and towns, and all contracts entered into under
 15 7-14-4108 shall must be let by the commission. Except as
 16 otherwise specifically provided, the commission may enter
 17 such the types of contracts and upon such terms as it may
 18 decide. All contracts shall must meet the requirements of
 19 Title 18, chapter 2, part 4. When there is no prevailing
 20 rate of wages set by collective bargaining, the commission
 21 shall determine the prevailing rate to be stated in the
 22 contract.

23 (2) The commission may delegate the authority, with all
 24 applicable statutory restrictions, to award any contract
 25 covered by this section to the department or to a unit of

1 local government."

2 **Section 10.** Section 60-2-204, MCA, is amended to read:

3 "60-2-204. Maintenance agreements with local
 4 governments. The department may enter into an agreement with
 5 a local governing body to maintain portions of public
 6 highways within its boundaries upon such terms and
 7 conditions as may be agreed upon, provided that, in the case
 8 of highways in the state maintenance system as defined
 9 referred to in 60-2-105-and 60-2-203 and [section 4]:

10 (1) the department shall bear the entire cost of
 11 maintenance, operation, and construction work performed by
 12 the local governing body pursuant to these agreements; and

13 (2) the department is responsible for the entire cost
 14 of placement and maintenance of all traffic control devices
 15 involved in these agreements required by 61-8-203."

16 **Section 11.** Section 60-3-201, MCA, is amended to read:

17 "60-3-201. Distribution and use of proceeds of gasoline
 18 dealers' license tax. (1) All money received in payment of
 19 license taxes under the Distributor's Gasoline License Tax
 20 Act, except those amounts paid out of the department of
 21 transportation's suspense account for gasoline tax refund,
 22 must be used and expended as provided in this section. The
 23 portion of that money on hand at any time that is needed to
 24 pay highway bonds and interest on highway bonds when due and
 25 to accumulate and maintain a reserve for payment of highway

1 bonds and interest, as provided in laws and in resolutions
2 of the state board of examiners authorizing the bonds, must
3 be deposited in the highway bond account in the debt service
4 fund established by 17-2-102. Subject to that provision:

5 (a) 9/10 of 1% of all money must be deposited in the
6 state park account;

7 (b) 1/2 of 1% of all money must be deposited in a
8 snowmobile account in the state special revenue fund;

9 (c) 1/8 of 1% of all money must be deposited in an
10 off-highway vehicle account in the state special revenue
11 fund; and

12 (d) 1/25 of 1% of all money must be deposited in the
13 aeronautics revenue fund of the department of transportation
14 under the provisions of 67-1-301.

15 (e) The remainder of the money must be used:

16 (i) by the department of transportation on the
17 ~~federal-aid highways in this state selected and designated~~
18 ~~under Title 23, U.S.C., on highways leading from each county~~
19 ~~seat in the state to the federal highway system of~~
20 ~~federal-aid roads if the county seat is not on the system,~~
21 ~~and on the other roads that have been or may be authorized~~
22 ~~by the laws of Montana~~ by the commission;

23 (ii) for collection of the license taxes; and

24 (iii) for the enforcement of the Montana highway code
25 under Article VIII, section 6, of the constitution of this

1 state.

2 (2) The department shall, in expending this money,
3 carry forward construction from year to year, using the
4 money expended through--the--matching--up--of--federal-aid
5 allotments-to-Montana-upon-the-federal-highway-system-in-the
6 various-parts-of--the--state in accordance with 60-3-204
7 through-60-3-206 this title. Nothing in this title conflicts
8 with Title 23, U.S.C., and the rules by which it is
9 administered.

10 (3) The department may enter into cooperative
11 agreements with the national park service and the federal
12 highway administration for the purpose of maintaining
13 national park approach roads in Montana.

14 (4) Money credited to the state park account in the
15 state special revenue fund may be used only for the
16 creation, improvement, and maintenance of state parks where
17 motorboating is allowed, except for the payment of refunds
18 under 15-70-221 through 15-70-226. The legislature finds
19 that of all the fuel sold in the state for consumption in
20 internal combustion engines, not less than 9/10 of 1% is
21 used for propelling boats on waterways of this state.

22 (5) Money credited to the snowmobile account may be
23 used only to develop and maintain facilities open to the
24 general public at no admission cost and to promote
25 snowmobile safety, and 10% of the amount deposited in the

snowmobile account must be used to promote snowmobile safety. The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, not less than 1/2 of 1% is used for propelling snowmobiles on public lands of this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, not less

than 1/25 of 1% is used for propelling aircraft in this state."

Section 12. Section 60-3-202, MCA, is amended to read:

"60-3-202. Funding highway system maintenance. For the purpose of funding the increased cost of maintaining the state highway system as designated in 60-2-105 [section 4], 1/4 cent per gallon of the special fuel tax collected under 15-70-321 and 1/4 cent per gallon of the gasoline license tax collected under 15-70-204 are allocated therefor for highway maintenance."

Section 13. Section 60-3-205, MCA, is amended to read:

"60-3-205. Apportionment of state funds to federal-aid primary highway system. (1) Prior to the beginning of each biennium, the commission, referring to highway sufficiency ratings developed by the department, shall designate a level of sufficiency considered adequate and a lesser level of sufficiency considered critical, both to be used to compute the apportionment of construction funds for the federal-aid primary highway system during the succeeding biennium.

(2) The department shall then compute the ratio:

(a) between the mileage rated below adequate sufficiency in each financial district and the total mileage rated below adequate sufficiency of the federal-aid primary highway system in the state; and

(b) between the mileage rated at or below critical

sufficiency in each financial district and the total mileage rated at or below critical sufficiency of the ~~federal-aid~~ primary highway system in the state.

(3) The department, subject to the limitation provided in subsection (4), shall then distribute three-fourths of the available state construction funds for the ~~federal-aid~~ primary highway system among the financial districts according to the ratios computed in subsection (2)(a) and one-fourth of the available state construction funds for the ~~federal-aid~~ primary highway system among the financial districts according to the ratios computed in subsection (2)(b).

(4) A financial district may not receive more than one-third of the total funds available for the ~~federal-aid~~ primary highway system in any biennium. If a financial district would receive more than one-third of the total funds available under the formula in subsection (3), its apportionment is limited to the one-third maximum and any excess funds it would have received must be redistributed among the other districts according to the formula."

Section 14. Section 60-3-206, MCA, is amended to read:

"60-3-206. Apportionment of state funds to ~~federal-aid~~ secondary highway system. (1) Each fiscal year the department shall apportion ~~available-state-construction~~ the federal-aid highway funds allocated for the ~~federal-aid~~

secondary highway system among the ~~financial--districts~~ counties. The proportion which ~~that~~ each ~~district~~ county ~~shall-receive-shall-be~~ receives is computed on the following basis:

(a) one-fourth in the ratio of land area in each ~~district~~ county to the total land area in the state;

(b) one-fourth in the ratio of the rural population in each ~~district~~ county to the total rural population in the state;

(c) one-fourth in the ratio of the rural road mileage in each ~~district~~ county to the total rural road mileage in the state;

(d) one-fourth in the ratio of value of rural lands in each ~~district~~ county to the total value of rural lands in the state.

(2) ~~Funds-apportioned-to-each-district-shall-be-further apportioned-to-each-county--in--the--district--on--the--same basis--considering--ratios--of--land-area--rural-population--rural-road-mileage--and-value-of-rural-lands--To-the--extent necessary--to-permit-orderly-programming-and-construction-of projects--obligations-in-any-county-may-exceed--the--amount apportioned--to--that-county-to-the-extent-of-five-times-the amount-of-the-last-apportionment-to-the-county--The--amount of--any--excess--obligations--shall--be-deducted-from-future apportionments-to-that-county. To the extent necessary to~~

1 permit orderly programming and construction of projects,
 2 obligations in any county may exceed the amount apportioned
 3 to that county. The amount of any excess obligations must be
 4 deducted from future apportionments to that county.

5 (3) For the purposes of this section, terms are defined
 6 as follows:

7 (a) "Rural population" means total population less the
 8 population in cities over 5,000 persons and their
 9 unincorporated fringe urban areas as reported in the latest
 10 federal census. Federal census population figures ~~shall~~ must
 11 be adjusted in the interim between censuses in accordance
 12 with the percentage of change in annual motor vehicle
 13 registration figures for each county.

14 (b) "Rural road mileage" means all road mileage outside
 15 of incorporated cities, exclusive of road mileage on the
 16 federal-aid primary highway system and the federal-aid
 17 interstate national highway system. Rural road mileage
 18 reported by the road inventory of the department ~~shall~~ must
 19 be used in determining rural road mileage.

20 (c) "Value of rural lands" includes the value of
 21 state-owned lands from which the state derives grazing,
 22 timber, and agricultural income.

23 (i) The basis for the value of rural lands ~~shall~~ must
 24 be computed from the latest biennial report of the
 25 department of revenue.

1 (ii) The basis for the value of state-owned lands ~~shall~~
 2 must be computed from the latest figures on the total
 3 grazing, timber, and agricultural lands in each county
 4 contained in the latest biennial report of the department of
 5 state lands.

6 (iii) The average value of privately owned lands ~~shall~~
 7 be is the average value of state-owned lands if the actual
 8 value is not available."

9 **Section 15.** Section 60-3-211, MCA, is amended to read:

10 "60-3-211. Apportionment of state funds to federal-aid
 11 urban highways highway system. (1) Each fiscal year, the
 12 department shall apportion state---construction the
 13 federal-aid highway funds available-for-matching-federal-aid
 14 urban--funds allocated for the urban highway system to the
 15 cities in the state with populations of over 5,000
 16 population in the ratio of urban population in each city to
 17 the total urban population in all cities in the state with
 18 populations of over 5,000 population.

19 (2) For the purpose of this section, "urban population"
 20 is defined as population within the incorporated limits of
 21 cities with populations of over 5,000 population and that
 22 population within unincorporated urban fringe areas
 23 delineated and reported in the latest federal census.

24 (3) To the extent necessary to permit orderly
 25 programming and construction of projects, obligations in any

city may exceed the amount apportioned to that city. The amount of any excess obligations shall must be deducted from future apportionments to that city."

Section 16. Section 60-3-217, MCA, is amended to read:

"60-3-217. (Temporary) Expenditures. The department shall expend the money of the highway reconstruction trust fund account on the federal-aid-interstate national highway, primary highway, and secondary highway systems and on those highways that it is required to maintain by 60-2-203 and [section 4]. If needed, these funds may be apportioned to the various federal-aid systems to match the federal-aid funds available for obligation. (Terminates July 1, 2003--sec. 1, Ch. 191, L. 1991.)"

Section 17. Section 60-3-218, MCA, is amended to read:

"60-3-218. (Temporary) Reconstruction trust program. (1) Subject to 60-3-217, the department shall administer a program to initiate, plan, design, and carry out reconstruction projects on the national highway, primary highway, and secondary highway systems and on those highways that it is required to maintain by 60-2-203 and [section 4] to straighten, widen, repair, or preserve existing pavement or make major improvements to existing highways. Funds expended under 60-3-217 may be used for pavement preservation projects on the interstate national highway, and primary highway, and secondary highway systems but may

not be used for routine repairs. The department shall expend these funds throughout the state according to need, without regard to 60-3-203. Priority must be given to those projects necessitated in whole or in part by the impact of mineral development.

(2) In order to accommodate changes in the financial district structure and implementation of the reconstruction program, the department may suspend the 25% overrun limitation on the allocation of federal-aid primary funds for fiscal years 1984 and 1985. (Terminates July 1, 2003--sec. 1, Ch. 191, L. 1991.)"

Section 18. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2), one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state highway account in the state special revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund. This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under 60-2-105 [section 4] and

60-2-203, all money collected as fines and forfeited bonds must be distributed to the county treasurer for deposit in the county road fund."

NEW SECTION. Section 19. Repealer. Sections 60-2-103, 60-2-104, 60-2-105, 60-3-102, 60-3-103, 60-3-104, 60-3-105, 60-3-203, 60-3-204, 60-3-209, 60-3-210, 60-3-213, 60-3-214, and 60-3-215, MCA, are repealed.

NEW SECTION. Section 20. Codification instruction. (1) [Sections 1 through 4 and 6] are intended to be codified as an integral part of Title 60, chapter 2, part 1, and the provisions of Title 60, chapter 2, part 1, apply to [sections 1 through 4 and 6].

(2) [Section 5] is intended to be codified as an integral part of Title 60, chapter 3, part 2, and the provisions of Title 60, chapter 3, part 2, apply to [section 5].

-End-

SENATE BILLS STATUS SHEET

HIGHWAYS AND TRANSPORTATION COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	<u>DP</u> DO PASS	<u>DNP</u> DO NOT PASS	<u>DPAA</u> DO PASS AS AMENDED	<u>DNPA</u> DO NOT PASS AS AMENDED
SB 55	1/4	REFERRED	JUDIC.				
SB 56	1/4	1/7,12,14	1/14			DPAA	
SB 78	1/4	REFERRED TO JUDICIARY	1/8				
SB 105	1/8	1/21, 26, 2/2	2/4	DP			
SB 110	1/8	1/14	1/14			DPAA	
SB 133	1/13	1/19	1/19	DP			
SB 135	1/13	1/19	1/19	DP			
SB 185	1/18	1/26	1/26	DP			
SB 198	1/19	1/26,28, 2/2	2/2			DPAA	
SB 219	1/20	1/26, 2/2	2/2				DNPA
SB 255	1/26	2/2,4	2/4	DP			
SB 272	1/28	2/4	2/4			DPAA	
SB 309	2/3	2/9	TABLED				

"designated facilities" for offloading.

HEARING ON SENATE BILL 198

Opening Statement by Sponsor: SEN. WEEDING, Senate District 14, stated SB 198 was requested by DOT in response to the Intermodal Surface Transportation Efficiency Act (ISTEA). With the advent of ISTEA most of the guidelines binding the disposition of federal funds disappeared. The states will be getting mostly lump sums and far greater discretion on how to use those funds than in the past. SEN. WEEDING stated SB 198 would essentially recreate the financial districts, formulas for fund allocation and the responsibilities of the Highway Commission previously defined and enforced by federal guidelines. To this end the first six sections of SB 198 redefines and places familiar terms like the primary, secondary, urban, and national highway systems into Montana statute. SEN. WEEDING added that later sections of SB 198 would institute necessary alterations to adapt to the changes in the federal highway aid brought about by ISTEA and would give some additional authority to the Montana Highway Commission to make rules to implement ISTEA.

Proponents:

Jim Beck, Chief Counsel of DOT, stated that prior to ISTEA's enactment in 1991, federal aid funds were allocated to the states primarily on the basis of the interstate, federal aid primary, secondary and urban systems. The Federal Aid Highway Acts allocated funds on the basis of these systems. In response to these Acts the Montana statutes created parallel systems. ISTEA changed this. According to **Jim Beck**, upon the enactment of ISTEA it became apparent Montana's statutes relating to funding and the allocation of federal highway funds needed to be changed. **Jim Beck** stated DOT looked at various alternatives and concluded the present system had served the State well. As a result DOT decided to try to reenact within the provisions of ISTEA the systems the State has had in the past, and that is what SB 198 is. **Jim Beck** stated SB 198 would create the National Highway System which will be primarily comprised of the present interstate system plus selected portions of the present primary system. The definition section creates primary, secondary, and urban highway systems which are virtually the same as now. According to **Jim Beck**, SB 198 would also allow DOT a means of transferring federal aid funds to highways that are not on any of the other systems but whose maintenance DOT is responsible for.

Jim Beck stated the Montana Highway Commission will allocate a portion of the ISTEA funds to each of the financial systems. These funds would be used for projects located on the systems. The funds that are allocated to the primary system will then be apportioned among the five financial districts. Funds allocated to the secondary system will be apportioned to the counties much in the same way. **Jim Beck** said that SB 198 would eliminate the first apportionment of funds to the financial district instead

allocating those funds directly to the 56 counties. He stated a comparison of the two systems had been done and there is very little difference in the relative share that each county would get by eliminating the first allocation to the financial district. He stated the Highway Commission will still establish the priorities and select the projects. SB 198 does, however, require that priorities and projects on the urban and secondary systems be set and selected in consultation with local officials. **Jim Beck** emphasized that SB 198 neither addresses nor affects the present maintenance system. He reminded the Committee that DOT would be introducing a joint resolution asking that whole maintenance system and maintenance responsibilities be addressed by a study. If that resolution is passed DOT could address the problems of maintaining the State's highways next session.

Carl Schweitzer, Montana Contractors Association, expressed his organizations support of SB 198.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. HARP pointed out that in SB 198 both the expenditures of the Highway Reconstruction Fund, the Highway Reconstruction Program, and national, secondary and primary highway systems also seem to include maintenance. He reminded the Committee that when the RTF program was instituted it was solely for the rebuilding of roads not the maintenance of them. He asked **Jim Beck** if he were reading the provisions of SB 198 wrong. **Jim Beck** replied that definitely was not DOT's intent. The intent as it applies to the RTF program was to change the names in the two parallel sections to reflect the changes of the new sections. **Jim Beck** stated that codifying the necessary changes was difficult and that he would be willing to draft a clarifying amendment if it proved necessary. He offered to double check the language.

SEN. HARP asked if the National Highway System would include all the interstate and any other highways that DOT designates as highways of national significance. He stated Montana has submitted or will submit a proposal to the Federal Highway Administration (FHA). They will massage it and submit it to Congress. According to **Jim Beck**, the ultimate decision as to which of the present primary highways will comprise the National Highway system will be made by Congress in 1995.

SEN. HARP requested **Jim Beck** clarify how money is going to be apportioned under the financial laws to primary highways that might or might not be included in the National Highway System between now and 1995, when Congress will make the final decision. **Jim Beck** replied that the National Highway System will not be under a financial district law, but the rest of the primaries will be under the financial district laws. He stated the Highway Commission would decide what apportionable dollars will go to

roads other than interstate.

SEN. HARP stated the Highway Commission must have taken a look at the map and decided which highways they would like to have designated part of the National Highway System. He asked what the Commission felt should be part of the federal program. **Jim Beck** asked **SEN. HARP** to address his question to **Steve Kologi**, who could explain to the process and Montana's current position in it.

Steve Kologi, Director of Program and Planning Division, DOT, stated the process of deciding which roads will comprise the national highway system has been a lengthy process that started before the passage of ISTEA. Three years ago, the Federal Highway Administration (FHA) asked that DOT and the Highway Commission submit their version of the National Highway system. According to **Steve Kologi** the FHA gave only a mileage limitation. The Montana proposal should contain no more than 4% of the total mileage of Montana's roads, streets and highways which amounts to about 2800 miles. **Steve Kologi** stated the interstate eats up 1200 miles of that. After holding public meetings around the State in the fall of 1990, the Highway Commission adopted a national Highway System that included 6.6% of Montana's roads that they submitted to the FHA. The FHA then developed an "illustrative system" which used their original 4% figure and submitted it to Congress. When Congress adopted ISTEA they adopted language which set up an interim National Highway system comprised of those routes that were functionally classified as principal arterials back in 1976. As **Steve Kologi** stated this does not include all of the roads in the Montana Highway Commission's proposal, but more than FHA's "illustrative system".

ISTEA also required that DOT and the Highway Commission functionally reclassify all Montana roads into principle arterials, minor arterials, major collectors, minor collectors and local roads and streets. **Steve Kologi** told the Committee that has been finished and submitted to the FHA, and on April 1 Montana will submit a new version of its National Highway system. According to **Steve Kologi** the new version will contain the highways now functionally classified as principle arterials.

SEN. TVEIT asked where the process currently stands. **Steve Kologi** replied the principal arterial system has been submitted to the FHA and in April Montana's national highway system will be submitted. The FHA will take that proposal, develop their proposal and submit it to Congress. The final decision will be made there. **Steve Kologi** informed the Committee that DOT and the Highway Commission has made the staffs of Montana's congressional delegation aware of the process and will make sure to keep them apprised and involved in the process.

SEN. MCCLERNAN asked if SB 198 is basically a housekeeping measure or does it change policy. **Jim Beck** replied DOT is not changing policy but SB 198 is not strictly a housekeeping bill,

since there is a significant change in the process. The Highway Commission will now have discretion in allocating funds among the major programs, whereas that discretion was really dictated by the Federal Aid Highway Acts in the past. Aside from that, Jim Beck stated DOT's intent with SB 198 is of a housekeeping nature.

After SEN. TOEWS asked him to clarify pg. 4 Section 6, Jim Beck explained that the section refers to the fact that some funds for off system programs can be allocated without regard for financial systems. He cited DOT's off-system bridge and railroad crossing programs as examples of such programs. He stated that this funding provision is currently in the law now, but it is more specific.

SEN. TOEWS asked if that constituted a change. Jim Beck replied that it both did, and did not. According to him the applicable section, MCA 60-3-213, is very specific. He had drafted this section in more general terms so that as new programs come along DOT would not need to ask to have the law amended.

Closing by Sponsor:

SEN. WEEDING closed by informing the Committee he had taken SB 198 to the Montana Association of Counties (MACo) for their opinions. MACo had asked Vernon Peterson, their transportation chair to evaluate it and he gave it a stamp of approval (Exhibit #3). SEN. WEEDING stated MACo had asked him to assure the Committee they were in support of SB 198.

EXECUTIVE ACTION ON SENATE BILL 198

Discussion:

SEN. HARP stated the 14 repealing sections in SB 198 made him nervous. He requested that Dave Bohyer review them to make sure everything is in order. He cited the possible complications with maintenance as an example of this.

Jim Beck offered to be present when the Committee discussed the repealers. He felt it might be helpful if he could explain DOT's intent with the repealers and would like to make sure he had not inadvertently repealed any thing.

SEN. SWYSGOOD seconded SEN. HARP's request and said a brief synopsis of each repealing section would be helpful.

SEN. HARP reminded the Committee that SB 198 as it now stands might place a maintenance program in the RTF program.

CHAIRMAN WEEDING asked Jim Beck to double check Section 4 and the RTF program since the Committee would not want it jeopardized. He requested DOT representatives explain the enhancement portions of the ISTEa program and apportionment of related funds.

Steve Kologi stated ISTEA differs in a few ways with the past statutes. There are "set asides" in ISTEA. The first set aside is for safety programs. Other than putting a little more money into those programs, it does not differ all that much from the past. A completely new set aside is the "enhancements". There are a list of 10 items and which includes some things that do not directly apply to highways like foot and bicycle paths and historic preservation.

SEN. HARP requested a list of the enhancements and asked if something on air pollution was on the list.

Steve Kologi stated two proposals to distribute enhancement monies were submitted to the Montana Highway Commission. MACo, the League of Cities, and DOT staff submitted the proposal that was accepted. It would take the enhancement monies and distribute them to local governments on a per capita basis. The monies are distributed to cities with populations over 1000 and to the counties so that every person in Montana gets a share of that it. The other proposal would have created a super committee at the state level composed of members of various organizations who had expertise which correlated to the various enhancement categories. This committee would have developed rules, solicited nominations from around the state and submitted deserving projects to the Highway Commission for its approval. According to **Steve Kologi** the counties and cities are now working on prioritizing their projects, and DOT was not suggesting that the distribution of these funds be legislated.

Steve Kologi stated ISTEA also creates the Congestion Mitigation and Air Quality (CMAQ) fund, from which Montana receives about \$4 million a year. CMAQ was set up to tackle the air pollution and congestion problems of the nation's major cities, and to try to get people out of their cars, into mass transit, on their bikes, or walking. **Steve Kologi** explained that if all Montana's cities complied with carbon monoxide standards, Montana's entire CMAQ allocation could have been invested in the surface transportation program and distributed according to the categories SB 198 would create. Missoula is, however, not in compliance, so most of the CMAQ money has to be spent in Missoula. Some CMAQ money will be spent to address PM 10 ("dust") problems primarily in the western portions of the State.

There was some general discussion about air quality categories, and why **Lame Deer** was the only eastern city with PM 10 problems. **SEN. HARP** mentioned that eastern Montana had benefited more than western Montana in past federal highway programs. **SEN. WEEDING** closed executive session on SB 198 by stating DOT staff would be informed when the Committee was ready to go into executive session on SB 198 so that they could be present.

EXECUTIVE ACTION ON SENATE BILL 185

Motion: **SEN. HARP** moved DO PASS on SB 185

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 26, 1993

[illegible]

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE January 26, 1993

BILL NO. SE 198

January 26, 1993

To the Honorable Chairman Senator Weeding and Committee Members:

I am Vernon Petersen, a Fergus County Commissioner and the Chairman of the Montana Association of Counties Transportation Committee.

I want to go on record in support of Senate Bill 198. We had some input on what this bill should contain with the past administration and it reflects that in its present form. There is not a lot of substantive change from the past allocation method and that worked very well. The change from districts to counties in the secondary portion simply eliminates one unnecessary step and gets the same job done. The removal of the "cap" on secondary allotments makes this section the same as the urban section was in the past and that has worked well. Those are the basic changes and we think that is for the better.

Thank you.



Vernon Petersen

DATE January 26, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 289, SB 185, SB 198

Name	Representing	Bill No.	Check One	
			Support	Oppose
DAVE GALT	MDT	219 185	X	
Ben Hardahl	MT Motor Carriers	219 185	X	
Jim Leck	MDT	198	✓	
Stephen Kolacz	MDT	198	✓	
Carl Schweitzer	MCA	198	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

confirmed that his department stands neutral on HB 101.

Questions From Committee Members and Responses:

SEN. STANG asked Bud Schoen if his department still had a supply of the centennial plates. Bud Schoen replied his department had enough material for approximately 7,000 sets. Based on the 50 sets issued last year, he told the Committee that was enough material to last "way beyond our life time" as far as demand was concerned. The material, however, becomes brittle after storage for three or four years. Bud Schoen stated HB 101 takes this problem into account by allowing the purchase and use of centennial plates only as long as they are actually usable.

SEN. KOEHNKE asked if the material could not be used to manufacture regular license plates. Bud Schoen replied the material is designed solely for the manufacture of the centennial plates.

CHAIRMAN WEEDING asked if centennial plates could still be purchased or if HB 101 was intended for replacement plates only. Bud Schoen replied under current law, new centennial plates could be purchased until July 1, 1996. HB 101 would keep the current deadline for the purchase of new plates in place. He said only the replacement of existing plates would be allowed after June 30, 1996.

CHAIRMAN WEEDING asked for clarification as to the current practice of license plate replacement. Bud Schoen stated the replacement of license plates was not discretionary. The last general issue of new plates was 1991. The general issue before that was 1976, so those plates had a life of about 15 years.

CHAIRMAN WEEDING noted centennial plates would be exempt from this mandatory replacement if HB 101 were to become law.

Closing by Sponsor:

Rep. Kadas stated he had no more to say about HB 101. He stated he did not have a Senate sponsor for HB 101, but was willing to find one if the Committee gave it a "be concurred in" recommendation.

EXECUTIVE SESSION ON SENATE BILL 198

Rep. Ream was participating in the House session. Rep. Kadas volunteered to notify him that the Committee was now ready to hear HB 96. The Committee suspended their usual rules and discussed SB 198 in the interim.

Discussion:

CHAIRMAN WEEDING called the members' attention to copies of a letter from Vernon Peterson, Montana Association of Counties (MACo), which CHAIRMAN WEEDING had entered in the record of the Committee's January 26, 1993 meeting. The letter indicated Mr. Peterson's and MACo's support of SB 198.

CHAIRMAN WEEDING noted the Committee had instructed Jim Beck, Chief Counsel, Department of Transportation (DOT), and Dave Bohyer to review SB 198 in order to determine whether the current version would place maintenance in the Reconstruction Trust Program. CHAIRMAN WEEDING stated Dave Bohyer had advised him that SB 198 contained a few more places that needed to be touched up.

Dave Bohyer stated he and Jim Beck had been unable to meet to discuss SB 198. Jim Beck had carefully reviewed SB 198 and he and Dave Bohyer had intended to meet that afternoon to discuss the amendments Jim Beck had identified as being necessary.

CHAIRMAN WEEDING stated he had informed Jim Beck that the Committee might be working on SB 198 and invited him to today's committee meeting. CHAIRMAN WEEDING had hoped the Committee would take executive action on SB 198, but stated if the necessary changes to SB 198 were too involved and complicated, the Committee could wait until its next meeting.

Jim Beck stated he did not believe the necessary changes were too complicated. He expressed his willingness to present his explanation of the repealers in SB 198. He stated he had four amendments to SB 198 he would like to offer the Committee. One of the amendments would replace part of the provisions of a section SB 198 would repeal. The remaining three amendments would simply make stylistic changes.

Rep. Ream arrived and the Committee returned to its normal order of business to hear HB 96.

HEARING ON HOUSE BILL 96

Opening Statement by Sponsor:

Rep. Ream, House District 54, stated HB 96 would allow veterans who purchase license plates to receive more than one set of special plates if they have more than one vehicle. He quickly outlined the active sections of HB 96 and told the Committee he was sponsoring HB 96 at the request of Dave Majors, Stevensville.

Proponents' Testimony:

Dave Majors, Stevensville, stated he was a member of the Army Reserve, but was representing himself. He explained HB 96 would allow members of the Guard or Reserve an opportunity to show the pride they feel in their organization. He said HB 96 would not cost the State anything, and then read a letter from Thaddeus Mayer, President, Western Montana Military Officers Association, (Exhibit #1).

Opponents' Testimony: None.

In response to a comment by **SEN. BRUSKI-MAUS** that a disabled veteran might not have a family, but have two vehicles, **Rep. Ream** stated the Department of Transportation (DOT) had voiced the concern that they might run into enforcement problems. He closed by saying disabled veterans could still get another kind of veteran's license plate for their other cars.

EXECUTIVE SESSION ON SENATE BILL 198

Discussion:

SEN. STANG asked if it would be possible to get a copy of the sections SB 198 would repeal. He felt it would be helpful to look at them while **Jim Beck** explained the amendments he was proposing.

Dave Bohyer stated he had drafted a response to **SEN. HARP's** request at the previous meeting listing all of the sections repealed in SB 198 as well as explanations of the content of those sections. **Dave Boyher** stated he did not bring that response because it was still in draft form, but offered to go get it.

CHAIRMAN WEEDING told the Committee he did not intend to call for a vote on SB 198, because two members, who were interested in SB 198 were missing. He stated his desire to continue working on SB 198. He asked the committee members if they wanted to excuse **Dave Bohyer** to get his draft, or continue by having **Jim Beck** explain the amendments he was proposing (Exhibit #2).

The Committee asked **Dave Bohyer** to get his draft. **CHAIRMAN WEEDING** excused **Dave Bohyer** and called a brief recess.

Dave Bohyer passed out a draft of his memorandum (Exhibit #3) and stated it identified and explained what each of the sections SB 198 would repeal had done. He stated he had intended to distribute the memo in advance so the committee members could have looked at it before the committee meeting. He offered to read through it, but stated it was seven pages of summary.

CHAIRMAN WEEDING stated he thought the committee members could read it themselves before the Committee considers actually taking executive action on SB 198.

Jim Beck requested he have the chance to explain his rationale behind repealing the sections after the Committee had read **Dave Bohyer's** memo. As an example, **Jim Beck** referred to the five sections in SB 198 that deal specifically with the Lady Bird Johnson Act. These sections refer to money which is apportioned under U.S. 23-3-19, which no longer apportions money. He stated he had decided to "do some housekeeping" while working on SB 198. He emphasized he was willing to take any of those repealing sections out of SB 198 if they made anybody uncomfortable.

CHAIRMAN WEEDING told **Jim Beck** that the Committee would take his comments under advisement and would invite him back when it took executive action beyond the amendments that he would next be presenting to the Committee.

SEN. TOEWS asked **Jim Beck** if he was going to address the maintenance question raised by **SEN. HARP**, to which **Jim Beck** replied he would. He stated he had intended to have two proposals. He told the Committee he did not read the language in SB 198 the same manner as **SEN. HARP**. **Jim Beck** stated if **SEN. HARP** saw a problem, he would amend the pertinent sections.

Jim Beck described the intent of the section. Under the old law, DOT could use reconstruction trust money on roads it was required to maintain. DOT does not maintain anything in the urban system, so reconstruction trust funds cannot be used on roads in the urban system.

CHAIRMAN WEEDING stated **SEN. HARP'S** concern was whether reconstruction funds were going to be used for maintenance.

Jim Beck stated he would speak with **SEN. HARP** and discuss his concerns regarding this section of SB 198.

CHAIRMAN WEEDING expressed his approval. He stated he had not felt uncomfortable until **SEN. HARP** had raised the question.

Jim Beck stated he would be willing to answer the Committee's questions on any of the repealers in SB 198.

CHAIRMAN WEEDING suggested the Committee turn to the amendments that **Jim Beck** had previously mentioned (Exhibit #2).

Jim Beck clarified the four amendments. He explained that state construction funds were allocated to match federal aid funds, and prior to Intermodal Surface Transportation Efficiency Act (ISTEA) those federal funds came to the State in discreet pots. According to **Jim Beck**, the State will now allocate federal aid funds, and SB 198 will provide for the state construction funds to follow them. **Jim Beck** explained the first three amendments clarify the language pertaining to this in SB 198. He stated these changes have been made throughout SB 198, but the three places addressed by these amendments were overlooked.

According to **Jim Beck**, the fourth amendment was necessary because of the repeal of 60-3-210. He stated he had overlooked the need for an overrun provision which would put the provisions of MCA 60-3-210 back into SB 198.

CHAIRMAN WEEDING asked **Jim Beck** if he intended to eliminate the 300% from the law. **Jim Beck** replied the 300% was to fund the interstate system. Since the State no longer funds the interstate system as a system, he was of the opinion the percentage could be repealed.

Dave Bohyer called the Committee's attention to a change SB 198 would make. In 60-3-210 the amount of obligations made in excess of 25% were to be deducted in the "subsequent year". In SB 198 it reads "in any future apportionment".

Jim Beck expressed his willingness to replace the "subsequent year". He stated he had attempted to make the language identical to the rest of SB 198, and the language is used in an existing section of the MCA. He believed that replacing the initial language would not make a difference.

CHAIRMAN WEEDING stated the language proposed in SB 198 is more flexible than the language in existing law. He expressed his belief that the flexibility it affords might enable the system to be more responsive to local needs and thus be preferable.

SEN. TVEIT asked if the Committee should consider the amendments immediately or wait until the next meeting when all the members are present.

CHAIRMAN WEEDING thought it preferable for the Committee to consider the amendments after Dave Bohyer had time to check them.

ADJOURNMENT

Adjournment: 1:50 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 28, 1993

[illegible]

DATE January 28, 1993BILL NO. SB 198

SB 198

1. Page 12, line 18
Following: "of"
Strike: "construction"
Insert: "federal-aid highway"
2. Page 13, line 6
Following: "available"
Strike: "state construction"
Insert: "federal-aid highway"
3. Page 13, line 9
Following: "available"
Strike: "state construction"
Insert: "federal-aid highway"
4. Page 13
Following line 20
Insert: "(5) To the extent necessary to permit orderly programming and construction of projects, obligations in any financial district may exceed the amount apportioned to that district by up to 25%. The amount of excess obligations must be deducted from future apportionments to that district."

SENATE HIGHWAYS

Senate Members
GARY C. AKLESTAD
VICE CHAIRMAN
DELWYN GAGE
MIKE HALLIGAN
J.D. LYNCH

Executive Director
ROBERT B. PERSON

Division Director
DAVID D. BOHYER

Library
BETH FURBUSH
NANCY ZALUTSKY
RITA GIBSON

EXHIBIT NO. 3
DATE January 1/28/93
BILL NO. SB 198



TO VIM BECK, DIVISION DATE 1/28/93
FAX# 444-6363 TIME 8:04
SENT BY DAVE BOHYER AVERY FX-105

JAN BROWN
MARY LOU PETERSON
JIM RICE

Researchers
CONNIE ERICKSON
SUSAN FOX
TOM GOMEZ
SHERI S. HEFFELFINGER
JEFF MARTIN
ANDREA MERRILL

Montana Legislative Council

Research and Reference Services

Room 138 • State Capitol
Helena, Montana 59620-1706
(406) 444-3064
FAX (406) 444-3036

January 26, 1993

*Jim -
Please give me a call when
you've had a chance to review this
Thanks, Dave Bohyer
3064*

TO: Sen. Cecil Weeding, Chairman, Sen. Highways & Transportation Committee
Members, Sen. Highways & Transportation Committee

FROM: Dave Bohyer

RE: Summary of sections proposed for repeal in SB 198: Sen. Weeding

In response to the Committee's request, I have summarized below the sections proposed for repeal in Senate Bill No. 198. The format for this memorandum is a complete citation of each section proposed for repeal, followed by my summary of what the section currently requires, allows, or otherwise states.

Repealed Section

60-2-103. Rules. The commission may adopt rules necessary for its government.

Section 60-2-103, MCA, authorized the Highway Commission (Commission) to adopt rules under which the Commission operated. Within [section 7] of the bill, 2-15-2505, MCA, is amended to include the following language:

...(8) The commission may adopt rules necessary to perform its duties.

The language proposed in the new subsection (8) is different than the language repealed. If the Committee determines that the proposed language is sufficiently different than the repealed language, the members may wish to have the Department clarify the statutory language or to provide a "Statement of Intent", or both.

DRAFT

Repealed Section

60-2-104. Designation of federal-aid highways. (1) The commission shall designate such public highways in the state as shall be classed as the federal-aid primary system.

(2) The commission shall, in cooperation with the board of county commissioners, select such public highways in the state as shall be classed as the federal-aid secondary system, taking into consideration the traffic count on those highways, the continuity of the highways in relation to the state highway systems as they may connect or tie into a unified system of federal-aid highways, and the taxable valuations which are affected by those public highways.

(3) The commission shall, in cooperation with adjoining states, select the routes of the federal-aid interstate system.

(4) The commission shall designate such public highways in the state as shall be classed as state highways.

Section 60-2-104, MCA, required the Commission to:

1. designate highways as "federal-aid primary" highways, working with adjoining states;
2. work with county commissioners in selecting highways to be classified as "federal-aid secondary", using traffic count, continuity as part of a system, and taxable valuations; and
3. designate public highways as "state highways".

[Section 1] of the bill establishes parallel definitions for federal-aid primary ("national highway system" and "primary highway system"), federal-aid secondary ("secondary highway system") and state highways (state highways). [Section 1] also defines "urban highway system", a definition or requirement not previously included in 60-2-104, MCA.

Repealed Section

60-2-105. Designation of highways in state maintenance system. The commission shall designate the following public highways in the state to be included in the state maintenance system:

- (1) the federal-aid interstate system as defined by 60-1-103(14);
- (2) the federal-aid primary system as defined by 60-1-103(15) and urban extensions thereto;
- (3) those portions of the federal-aid secondary system defined by 60-1-103(16) and urban extensions thereto as are designated by the commission;
- (4) other public highways or portions thereof not included within the systems above named which are designated by the commission.

Section 60-2-105, MCA, required the Commission to designate federal-aid interstate and federal-aid primary and urban extensions as highways to be included in the state maintenance system. The section also authorized the Commission to designate federal-aid

DRAFT

secondary and urban extensions, and other highways or portions of highways to be included in the state maintenance system.

[Section 4] of the bill authorizes the Commission to designate any public highway to be included within the state maintenance system, except that all public highways maintained by the Department on July 1, 1976, must remain on the state maintenance system.

Repealed Section

- 60-3-102. Purposes.** The purposes of 60-3-102 through 60-3-105 are to:
- (1) promote the safety, convenience, and enjoyment of travel on and protection of the public investment in the highways of this state;
 - (2) restore, preserve, and enhance scenic beauty within the right-of-way of and adjacent to the highways;
 - (3) entitle the state to receive and expend the 3% nonmatching funds from the United States under Title 23, United States Code.

Section 60-3-102, MCA, was a purpose section, describing the legislative purpose of sections 60-3-102 through 60-3-105. As sections 60-3-102 through 60-3-105 are repealed in the bill, there is no need to maintain the purpose section.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

- 60-3-103. Purposes for which federal funds to be expended.** The department may expend funds apportioned to the state under 23 U.S.C. 319 for the following purposes:
- (1) landscape and roadside development within the rights-of-way of federal-aid highways of this state;
 - (2) acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highways; and
 - (3) acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to federal-aid highway rights-of-way reasonably necessary to accommodate the traveling public.

The language to be repealed in 60-3-103, MCA, is self-explanatory. There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-104. Extent of interest acquired. The department may acquire the fee simple or any lesser estate or interest as determined by it to be reasonably necessary to accomplish the purposes of 60-3-102 through 60-3-105 [Repealed]. Acquisition may be made by gift, purchase, or exchange.

The language to be repealed in 60-3-104, MCA, is self-explanatory. There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-105. Expenditure of funds. The department shall expend only nonmatching funds authorized under 23 U.S.C. 319(b) in carrying out the authority granted by 60-3-102 through 60-3-104 [Repealed].

The language in 60-3-105, MCA, restricted the Department to expending federal funds (23 U.S.C. 319) to acquire lands to:

- ... (1) promote the safety, convenience, and enjoyment of travel on and protection of the public investment in the highways of this state;
- (2) restore, preserve, and enhance scenic beauty within the right-of-way of and adjacent to the highways.... (see 60-3-103, MCA)

The language in 60-3-105, MCA, also restricted the Department to expending federal funds (23 U.S.C. 319(b)) to acquire lands for the following purposes:

- ... (1) landscape and roadside development within the rights-of-way of federal-aid highways of this state;
- (2) acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highways; and
- (3) acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to federal-aid highway rights-of-way reasonably necessary to accommodate the traveling public. (see 60-3-104, MCA)

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-203. Districts for apportionment of department funds. All money available to the department for highway construction purposes shall be apportioned among five financial districts, corresponding to and congruent with the highway commission districts established in 2-15-2502.

The language to be repealed in 60-3-203, MCA, is self-explanatory. The language in [section 5] of the bill essentially replaces the repealed language.

Repealed Section

60-3-204. Apportionment of state construction funds. Each fiscal year the department shall apportion available state construction funds to the various federal-aid highway systems which are required to match the amounts of federal aid available for obligation on each respective system. The state's share of the cost of final judgments in court awards made to construction contractors on state highway construction projects during the previous fiscal year may be deducted from funds available prior to the apportionments provided in this section, and this cost shall be credited to the accounts of the highway system, financial district, county, or urban city involved as an offset to the charges made to the accounts as a result of the final judgment. The deductions may be made only when the amount of these judgments would prohibit or seriously impair the highway construction program in a financial district, county, or urban city.

Section 60-3-204, MCA, required the Commission to apportion available construction funds to the federal-aid highway systems required to match federal aid available for obligation. Section 60-3-204, MCA, also allowed for, with limitations, the deduction of "final judgments" (court orders) prior to the apportionment of available funds.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-209. Apportionment of state funds to federal-aid interstate highway system. (1) Each fiscal year the department shall apportion available state construction funds for the federal-aid interstate highway system among the financial districts.

(2) The apportionment shall be based upon the ratio between the estimated cost of constructing or reconstructing the system in each district and the estimated cost of constructing or reconstructing the entire system within the state.

(3) The cost estimates to be used shall be those developed by the department in accordance with Title 23, U.S.C.

Section 60-3-209, MCA, required apportionment of available state construction funds for the federal-aid interstate highway system among the financial districts, and provided a formula for the apportionment.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-210. Increases in obligations. (1) The department may increase the obligations made in a financial district to the extent of:

(a) 25% more than the amount of money allocated to the district in the latest year for the federal-aid primary system or the federal-aid secondary system;

(b) 300% more than the amount of money allocated to the district in the latest year for the federal-aid interstate highway system.

(2) The allocation of available state construction funds to a district for the next succeeding fiscal year shall be decreased by an amount equal to any increased obligations.

Section 60-3-210, MCA, allowed the Department to increase obligations made in a financial district, provided the increase was off-set in the succeeding year.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-213. Allocation for safety construction programs. (1) Each fiscal year the department of transportation shall allocate available state construction funds to match federal-aid highway funds made available by the Federal-Aid Highway Act of 1973 for the following safety construction programs:

(a) rail-highway crossings;

(b) high-hazard locations;

(c) elimination of roadside obstacles;

(d) safer roads demonstration; and

(e) pavement marking demonstration.

(2) Such allocation shall be made from available state construction moneys before the apportionments provided for in 60-3-205, 60-3-206, and 60-3-211.

Section 60-3-213, MCA, required the Department to use state construction funds to match available federal-aid highway funds for safety construction programs. The allocation of state construction funds used as matching funds for safety was to be made prior to apportionments for federal-aid primary, federal-aid secondary, and federal-aid urban systems.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-214. Construction or reconstruction of bridges. (1) The department may allocate from state construction moneys available for the federal-aid highway system up to \$1 million in any fiscal year for the construction or reconstruction of any major bridge or system of bridges on the primary or secondary highway systems. This may be done only when the use of

regularly apportioned funds would prohibit or seriously delay the orderly and necessary highway construction program in the financial districts.

(2) When the department, as a part of its finding of public necessity, declares that a particular bridge should be constructed or reconstructed on a designated portion of the primary or secondary highway, the allocation may be made. The allocation may be obligated to:

(a) primary bridges when the department's estimate of the cost of construction or reconstruction is in excess of \$500,000;

(b) secondary bridges when the department's estimate of the state's share of the cost of construction or reconstruction is in excess of the total estimated future regular apportionment of state construction moneys to the federal-aid secondary system of the county or counties for a period of 3 years.

(3) The allocation shall be made from available state construction moneys for the primary system before the apportionment in 60-3-205 and for the secondary system before the apportionment in 60-3-206.

(4) The department may allocate from state construction money available for the federal-aid highway system money to construct a bridge located outside the boundaries of Montana if it determines, after an economic analysis of the cost of construction and maintenance of the bridge and the roads that adjoin it, that it is more economical to construct the bridge at such location than at a location within the boundaries of Montana and if another state participates in the funding of the project.

Section 60-3-214, MCA, explicitly allowed the Department to use up to \$1 million per fiscal year of the federal-aid highways system funds to construct or reconstruct bridges.

Although there is no explicit language in the bill replacing the repealed language, language in [section 6] could be interpreted to allow the construction or reconstruction of bridges.

Repealed Section

60-3-215. Replacement of bridges. (1) Whenever funds are made available under Title 23, U.S.C., for the replacement of bridges, the department may allocate from state construction money such money as is necessary to match the available federal funds. Such allocation shall be made from available state construction money before the apportionments provided for in 60-3-205, 60-3-206, and 60-3-211.

(2) Whenever such state construction money is so allocated, the amount allocated may not be deducted from future apportionments to the financial district or city.

Section 60-3-215, MCA, also authorized the expenditure of state construction funds to match specific federal funds for the replacement of bridges. The section also protected future apportionments within the financial district or city wherein the bridge(s) is located.

Although there is no explicit language in the bill replacing the repealed language, language in [section 6] could be interpreted to allow for the replacement of bridges.

work at joint weigh stations could not be replaced by non-residents for the sole purpose of entering into one of these agreements.

Motion: SEN. STANG moved to AMEND SB 219 (Exhibit #8d).

Discussion of Amendment:

SEN. SWYSGOOD asked what would happen to the Montana residents now employed at Coutts, Alberta if the joint weigh station were eliminated. Dave Bohyer replied the personnel would have no protection if the station at Coutts were eliminated before October 1, 1993, SB 219's effective date. Dave Galt commented DOT would probably place the people currently employed at Coutts in different positions if the joint weigh station were eliminated.

SEN. SWYSGOOD stated he would feel uncomfortable if people lost their jobs if he worked to eliminate this joint weigh station for philosophical reasons.

CHAIRMAN WEEDING remarked with the passage of time, fewer and fewer people would be affected by this language.

SEN. TVEIT asked if this amendment also posed a constitutional problem. Dave Bohyer replied whenever a residency requirement is established with employment a potential constitutional problem exists taking the form of an equal protection problem under both the state and the federal constitution. He emphasized he was not a lawyer, but that he had discussed this problem over with lawyers in the past. SEN. TVEIT stated if SB 219 were so amended and then became law it could cost the state money. He reminded the Committee the legislature was trying to cut the budget.

SEN. SWYSGOOD reiterated SB 219 would currently apply only to the Haugen employees; if the joint weigh station at Coutts were eliminated, SB 219 would not have any effect in that regard. Dave Bohyer agreed.

SEN. TVEIT asked what would be the cost to future joint station ventures. Dave Galt replied it was his understanding DOT could negotiate and enter into new agreements after Oct. 1, 1993. If only one joint station remained he could not lay any of those people off. He stated he had no problem with that.

Motion/Vote: SEN. STANG WITHDREW his previous motion TO AMEND SB 219 (Exhibit #8d) and moved SB 219 DO NOT PASS AS AMENDED. The motion CARRIED with SEN. TVEIT and CHAIRMAN WEEDING voting NO. SEN. TOEWS was excused and did not vote.

EXECUTIVE ACTION ON SENATE BILL 198

Discussion:

SEN. HARP stated there was no question that SB 198 was necessary. He had received a memo from Mr. Beck concerning Section 4 in

which Mr. Beck stated he would agree to striking the language relating to maintenance from SB 198. The amendment would be to strike "and section 4" on page 17 line 9 and on page 17 line 20.

Motion: SEN. HARP moved to AMEND SB 198 (Exhibit #9, numbers 7 and 8).

Discussion on the Amendment:

SEN. HARP indicated he was not sure the amendment was necessary, but stated he would feel safer if SB 198 would be so amended.

CHAIRMAN WEEDING expressed his agreement.

Vote: The motion CARRIED UNANIMOUSLY

Discussion:

Dave Bohyer stated Mr. Beck brought several amendments changing some language to comport with the revised federal program to the Committee at the Jan. 28th meeting. He told the Committee that he and Mr. Beck had also discussed the need for a definition within SB 198 for federal aid highway funds (Exhibit 9, items 1-6).

SEN. HARP stated SB 198 is attempting to address "a moving target"; the actual content of the federal highway program SB 198 is trying to implement is yet unknown. He suggested the Committee reexamine and completely redo Title 60 in two years when the federal laws will have changed. To this end, he stated the Committee might have a committee bill drafted which would ask for a review of Title 60.

Jim Beck expressed his agreement with SEN. HARP. Because federal laws were still evolving, he stated he had attempted to make the provisions in SB 198 broad enough so DOT was not handcuffed. He stated he had informed the Committee that these provisions were broad and would invest the Highway Commission with broad discretionary authority insofar as in directing the source of the funds Montana would receive under the federal Intermodal Surface Transportation Efficiency Act (ISTEA). The Highway Commission would have the discretion to target these funds to the area that they felt were needed. Mr. Beck added that a few repealers, for example the sections relating to the Lady Bird Johnson Act, were intended to clean-up Title 60 in some small part.

CHAIRMAN WEEDING asked Jim Beck to clarify the amendments he was proposing (Exhibit #9).

Jim Beck stated he had one amendment. He had inadvertently stricken a certain provision from MCA 60-2-103 while trying to clean out a chapter. Legislative Counsel suggested the provision be amended into 2-15-2502. The amendment would change the phrase in SB 198 "adopt rules necessary to perform its duties" to "adopt rules for its government".

SEN. SWYSGOOD asked if that language was correct.

Dave Bohyer explained the difference between the two phrases and why the latter was preferable. The Highway Commission's duties are the allocation of funds to the financial districts, etc. Its government, on the other hand, refers to the authority to adopt rules addressing how their meetings should be conducted, for example whether the Commission needs a quorum to take action, etc. The language in the amendment would make it clear the Highway Commission could not adopt its own rules to allocate federal funds to the financial districts because that would definitely result in a difference in their authority.

Jim Beck expressed his agreement with **Dave Bohyer** and suggested the Committee simply adopt the old language of the section and then there would be no problem.

SEN. HARP asked about item 5 on the sheet of amendments which would change the format of the formula, which states no more than 1/3 of funds can go into one financial district. Item 5 amends that to 25% percent of a district. He asked **Jim Beck** to clarify that amendment. **Jim Beck** stated the 25% is currently in existing law. The "1/3" provision means no one financial district can get more than that amount of Montana's total allocation. The 25% allows a district to receive 25% more than the third, but the district would have to repay that extra money. **JOHN HARP** stated the 25% provision would allow a financial district to more efficiently fund larger projects like highway construction.

Jim Beck said he did not think any financial district had ever received 1/3 of the federal allocation. That provision was placed in the statute when Montana had 12 financial districts, where currently there are five.

Dave Bohyer commented this language is basically a restatement of language from a repealed section, but a substantive difference does exist. That difference is found in the second sentence which states the up to 25% overrun "must be deducted from future apportionments to that district". **Dave Bohyer** told the Committee the old language stated that money "must be deducted from apportionments to that district in the following year". According to **Dave Bohyer** this gives the Commission a little more flexibility about how long the repayment should be stretched out.

Motion/Vote: **SEN. HARP** moved to AMEND SB 198 (Exhibit #9, items 1-6), and the motion CARRIED UNANIMOUSLY.

Discussion:

SEN. HARP expressed his hope that the Committee put together a committee bill mandating the revisitation of Title 60 after the federal statutes are decided. He stated Montana needs to have a good statute and until it is know what the effects of federal legislation are going to be, Montana's law cannot be improved.

Jim Beck agreed that title 60 needs to be reworked. He also told the Committee certain philosophical questions need to be aired. An example of such a question would be how much discretion the legislature actually wants to give the Highway Commission.

CHAIRMAN WEEDING stated since there was a consensus on this issue, the Committee would discuss and request a draft of such a bill at a later date.

Motion/Vote: SEN. TVEIT moved SB 198 DO PASS AS AMENDED, and the motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:55 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE FEB. 2, 1993
JAN

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 3, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 198 (first reading copy -- white), respectfully report that Senate Bill No. 198 be amended as follows and as so amended do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 1.

Following: line 18

Insert: "(1) "Federal-aid highway funds" means those funds made available for expenditure by the department pursuant to Title 23, U.S.C."

Renumber: subsequent subsections

2. Page 6, lines 6 and 7.

Following: "necessary" on line 6

Strike: the remainder of line 6 through "duties" on line 7

Insert: "for its government"

3. Page 12, line 18.

Following: "of"

Strike: "construction"

Insert: "federal-aid highway"

4. Page 13, line 6.

Following: "available"

Strike: "state construction"

Insert: "federal-aid highway"

5. Page 13, line 9.

Following: "available"

Strike: "state construction"

Insert: "federal-aid highway"

6. Page 13.

Following: line 20

Insert: "(5) To the extent necessary to permit the orderly programming and construction of projects, obligations in any financial district may exceed the amount apportioned to that district by up to 25%. The amount of excess obligations must be deducted from future apportionments to that district."

7. Page 17, lines 9 and 10.
Strike: "and [section 4]"

8. Page 17, line 20.
Strike: "and [section 4]"

Amendments to Senate Bill No. 198 DATE February 2
First Reading CopyBILL NO. SB 198Requested by Jim Beck, Department of Transportation
For the Committee on Highways and TransportationPrepared by Jim Beck and Dave Bohyer
January 29, 19931. Page 1.

Following: line 18

Insert: "(1) "Federal-aid highway funds" means those funds made
available for expenditure by the department pursuant to
Title 23, U.S.C."

Renumber: subsequent subsections

2. Page 6, lines 6 and 7.Following: "necessary" on line 6Strike: the remainder of line 6 through "duties" on line 7

Insert: "for its government"

3. Page 12, line 18.

Following: "of"

Strike: "construction"

Insert: "federal-aid highway"

4. Page 13, line 6.

Following: "available"

Strike: "state construction"

Insert: "federal-aid highway"

5. Page 13, line 9.

Following: "available"

Strike: "state construction"

Insert: "federal-aid highway"

6. Page 13.

Following: line 20

Insert: "(5) To the extent necessary to permit the orderly
programming and construction of projects, obligations in any
financial district may exceed the amount apportioned to that
district by up to 25%. The amount of excess obligations
must be deducted from future apportionments to that
district."7. Page 17, lines 9 and 10.Strike: "and [section 4]"8. Page 17, line 20.Strike: "and [section 4]"

COMMITTEE--HOUSE HIGHWAYS & TRANSPORTATION

Page 4

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ----- DATE READ

SB0056	VAUGHN, ELEANOR		FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PERSONNEL LICENSE PLATES			
	1/19	1/27		TABLED ON 01/29	VOTE:	
SB0105	STANG, BARRY		ELIMINATE LOG HAULER CERTIFICATION			
	2/10	3/15		CONCUR	3/18 VOTE: 11-5	3/19
SB0110	TOEWS, DARYL		ESTABLISH FEE FOR TEMP. REGISTRATION FOR PROPORTIONALLY REGISTERED VEHICLES			
	1/19	1/27		CONCUR	1/27 VOTE: 15-0	1/29
SB0126	STANG, BARRY		LIMIT TIME FOR REFUND OR CREDIT OF SPECIAL FUEL TAXES AND FEES			
	1/19	1/27		CONCUR	1/27 VOTE: 15-0	1/29
SB0127	STANG, BARRY		REQUIRING PETROLEUM DEALER NOT LICENSED TO FILE QUARTERLY REPORT			
	1/19	1/27		CONCUR	1/27 VOTE: 15-0	1/29
SB0133	HERTEL, JOHN		SPEED LIMITS FOR HIGHWAY CONSTRUCTION VEHICLES			
	1/22	2/03		CONCUR	2/2 VOTE: 15-0	2/05
SB0135	MESAROS, KEN		REVISE TRAFFIC-CONTROL SIGNAL LEGEND			
	1/22	2/01		CONCUR	2/1 VOTE: 15-0	2/02
SB0145	WATERMAN, MIGNON		TRUST FUND AND DEMONSTRATION PROJECT FOR TRAUMATICALLY BRAIN INJURED			
	2/09	3/12		CONCUR	3/18 VOTE: 10-6	3/19
SB0185	SWYSGOOD, CHUCK		REVISE OVERWEIGHT VEHICLE LAW			
	1/30	2/05		CONCUR	2/5 VOTE: 15-0	2/06
SB0198	WEEDING, CECIL		GENERALLY REVISE HIGHWAYS LAWS			
	2/06	2/10		CONCUR	2/10 VOTE: 15-0	2/12
SB0255	SWYSGOOD, CHUCK		REVISE MOTOR CARRIER LAW REGARDING LIVESTOCK TRANSPORTATION			
	2/09	3/08		CONCUR	3/26 VOTE: 8-6	3/29
SB0272	KOEHNKE, FRANCIS		REVISE HIGHWAY MOTORIST INFORMATION SIGN LAWS			
	2/09	3/08		CONCUR AS AMENDED	3/9 VOTE: 14-1	3/09

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on February 10, 1993,
at 3:30 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Karyl Winslow, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. David Ewer (D)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Kimberlee Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 198
Executive Action: HB 233, SB 198

REQUEST FOR COMMITTEE BILL

CHAIRMAN CLARK stated there was a request for a committee bill
and asked Doug Abelin to explain the request.

Doug Abelin explained the request for a committee bill. EXHIBIT
1

HEARING ON SB 198

Opening Statement by Sponsor:

SEN. CECIL WEEDING, Senate District 14, Jordan, stated SB 198 was requested by the Department of Transportation. SB 198 is an act revising the laws relating to the highway system and allocation of federal-aid highway funds by the Highway Commission. The new law has become necessary since we switched from the old highway funding program into the new Immobile Service Transportation and Efficiency Act (ISTEA) in 1991. Some sections of the old bill are no longer applicable and this bill will put the Department of Transportation into compliance.

Proponents' Testimony:

Jim Leck, Montana Department of Transportation, stated he recommends a Be Concurred In vote on SB 198.

Stephen C. Kologi, Montana Department of Transportation, stated the department needs to figure out how to divide this money on a project by project basis. The goal is to get by with as little change as possible.

REP. LARSON stated he supports SB 198.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked someone to clarify why the date is July 1, 1976 on this bill. Mr. Leck answered it is an existing law and is put in as a precaution.

REP. ENDY asked if this bill passed, would Montana receive more federal money. Mr. Leck stated no, this bill is a mechanism which describes the processes the commission must follow in allocating the federal aid funds which are received.

REP. ENDY stated his county commissioner told him not to pass any bills that were going to cost the counties money. Mr. Leck said that during the Senate meeting the counties sent word they were in favor of this bill.

REP. ENDY asked if the county can designate roads and are they allowed to receive more help from the state. This bill is not going to help the counties. Mr. Leck stated there is an existing law which states if there is a county road that needs funding the county can come to the commission and request a particular stretch of road be placed on the secondary system. Then it is up to the discretion of the highway commission.

REP. WINSLOW asked if Mr. Leck could explain the orphan plan. Mr. Leck stated the orphan plan is sections of road that are old pieces of primary road where the function was replaced by the interstate system. When the federal government froze the maintenance responsibility in 1977, the stated ended up with the responsibility on these particular pieces of road and which is why they were called orphan roads.

REP. WINSLOW asked how the orphan roads fit into this bill. Mr. Leck stated the orphan roads will be designated state highways.

REP. WINSLOW also asked how these orphan roads will receive maintenance. Mr. Leck replied the state already maintains them and cannot use federal aid funds on orphan roads.

REP. TASH asked if an orphan road can be designated a scenic highway. Mr. Kologi stated the roads being discussed are designated scenic highways by the forest service and are functionally classified as major collectors. The county could put it on the secondary system, but this would not create any more money for the counties.

REP. TASH also asked if there was anyway to prioritize these monies better. Mr. Kologi stated trying to get money on the right jobs, at the right time is a problem.

Closing by Sponsor:

SEN. WEEDING stated the Montana Motor Carriers are in favor of this bill and there were no opponents to the bill in the senate meeting. This is a good system, however, it is something that can be changed if there are problems in the future. He recommends a Be Concurred In vote on this bill.

EXECUTIVE ACTION ON HB 233

Motion/Vote: REP. VOGEL MOVED HB 233 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 198

Motion/Vote: REP. MASON MOVED SB 198 BE CONCURRED IN. Motion carried unanimously.

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb. 10, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

February 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 198 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: Robert C. Clark
Robert C. Clark, Chair

Carried by: Rep. Larson

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Highways COMMITTEE BILL NO. SB198

DATE 2-10-93 SPONSOR(S) Senator Weeding

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Jack</u>	<u>MDT</u>	☒	☐
<u>Stephen C. Kologi</u>	<u>MDT</u>	☒	☐

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.